

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

TYLER RAY SCHRIBER,	)	
Plaintiff	)	
	)	
v.	)	CAUSE NO. 2:25-CV-532
	)	
DEPUTY ALEX SLIGER, et al.,	)	
Defendants	)	

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS
AMENDED COMPLAINT**

Come now Defendants Alex Sliger, Austin Farrell, Nicole Dornon, Robert Loop, Jeffrey Clark, and Robert Goldsmith and submit this Memorandum of Law in support of their motion to dismiss under Trial Rule 12(b)(6).

INTRODUCTION

Tippecanoe County Sheriff's Deputies Sliger, Farrell, Dornon, and Loop are sued by Tyler Schriber in connection with an investigation that took place on June 4, 2025, and into the early hours of June 5, 2025. A *Monell* claim is asserted against Sheriff Goldsmith. Jeffrey Clark is an investigator for the Tippecanoe County Prosecutor and is sued in connection with an affidavit he signed in support of criminal charges filed against Mr. Schriber by the State of Indiana.

The deputies were looking for an individual named Tanner Clugh, suspected of auto theft, criminal confinement, strangulation, and domestic battery. They had been tracking Clugh through the day and into the night and received information

that he might be hiding out at 1932 Vinton Street where Schriber resides. In response to police officers ringing the bell at the front door, Mr. Schriber exited the back door into the fenced back yard where Deputy Sliger was on the outside of the fence with his K9, Csupak. Mr. Schriber was headed for the back gate on the northeast side of the real estate where Deputy Sliger was posted.

When Deputy Sliger announced himself and ordered Mr. Schriber to stop, Mr. Schriber fled in the opposite direction, exiting the backyard into the front yard on the southwest side of the real estate and then running down Vinton Street. Given the hour of the day and the weather conditions, visibility was limited. Deputy Sliger and Csupak made their way around the corner and gave chase. Mr. Schriber was apprehended with the assistance of the K9 and suffered bite wounds as a result.

On or about September 2, 2026, following his arrest for fleeing law enforcement in violation of IC 35-44.1-3-1(a)(3), Mr. Schriber was charged with that crime under Cause 79D07-2509-CM-1681 in the Superior Court 7 of Tippecanoe County, Indiana. Defendant Clark is an investigator for the Tippecanoe County Prosecutor. In support of the criminal charges, the State filed an affidavit of probable cause signed by Defendant Clark which included as supporting documents police reports written by the other defendants. The criminal charges were dismissed by the State *nolle prosequi* on November 7, 2025.

Mr. Schriber has sued the Defendants, alleging unlawful search, excessive force, unlawful seizure (both before and after formal process was initiated); *Monell* liability; state law excessive force; and state law trespass. Even accepting as true

the material facts asserted by Mr. Schriber, the allegations fail to state a claim against the Defendants, and this matter should be dismissed.

FACTS¹ AND PROCEDURAL HISTORY

Mr. Schriber submitted his complaint (R1) and a motion for leave to proceed *in forma pauperis* (R2) on November 20, 2025. On December 2, 2025, Mr. Schriber supplemented the complaint with his declaration and the Affidavit of Probable Cause filed in Cause 79D07-2509-CM-1681 in the Superior Court 7 of Tippecanoe County which, in turn, included the police reports attached in support of that affidavit. (R4-1). The Court granted Mr. Schriber's motion to proceed *in forma pauperis* on December 18, 2025. (R5). In response to Defendants' motion to dismiss (R11), Plaintiff has filed an amended complaint (R20) which included the Defendants' incident reports (R26-1 at 1-16) and the affidavit of probable cause and information of resisting law enforcement filed by the State in the resulting criminal charges (R26-1 at 18-21). The amended complaint asserts twenty-three claims over the course of seven counts and six defendants.

According to the information in the amended complaint, Tippecanoe County Sheriff's Deputies arrived at 1932 Vinton Street, Lafayette, Indiana, and rang the doorbell at approximately 3:45 a.m. on the morning of June 5, 2025, as part of an investigation attempting to locate fugitive Tanner Clugh. Clugh was being investigated for auto theft, criminal confinement, strangulation, and domestic

¹ Because this is a Motion to Dismiss, the facts are taken from Mr. Schriber's allegations and do not necessarily reflect the Defendants' view of events.

battery. (R20 at ¶¶17-18, 24; R20-1 at 4, 10). During the investigation, officers received information that Clugh was accompanied by an individual named Austin Townsley and that they might be at the Vinton Street address. (R20-1 at 4-7; *see* R20 at ¶¶28-30).

The Vinton Street property is situated at the northwest corner of Vinton Street (which is to the south of the residence) and 20th Street (to the east of the residence). A public sidewalk runs along both streets. The front door faces Vinton Street. The driveway is behind the house, northeast of the front door and runs about 21 feet from the sidewalk on 20th Street, to a detached garage behind the house. A fence connects the house to the garage and continues north to form a perimeter for the backyard. (*See* Exhibit A – Google Map of 1942 Vinton Street.)²

When officers arrived at the Vinton Street address it was dark and raining. (R20 at ¶17; R20-1 at 5, 9-10). The officers rang the doorbell at which time the homeowner, Mr. Montgomery, went to the front door to answer, and Mr. Schriber exited out the back. (R20 at ¶¶18-19). Mr. Schriber says he was taking his dog out. *Id.*

Deputy Sliger had positioned himself outside the backyard fence with his K9, Csupak, and was able to look over or through the fence. (R20 at ¶21, 34, 47; R20-1 at 5). As Plaintiff approached the gate in the backyard, Deputy Sliger shouted

² Defendants request that the Court take judicial notice of the map pursuant to Fed. R. Evid. 201(b)(2). *See Cloe v. City of Indianapolis*, 712 F.3d 1171, 1177 n. 3 (7th Cir. 2013), *overruled on other grounds by Ortiz v. Werner Enters, Inc.* 834 F.3d 760 (7th Cir. 2016).

“Sheriff’s Office” and “Stop!” (R20 at ¶47; R20-1 at 5, 9; *see* R1 at ¶25). In response, Mr. Schriber fled from the backyard to the southwest, either through a different gate or by jumping over the fence, into the front yard, and then ran down Vinton Street. (R20 at ¶48; R20-1 at 5-7, 9-10; *see* R1 at ¶¶27-28;). Mr. Schriber says that he did not understand what was being said and ran because he was scared. (R20 at ¶¶47-48)

Deputy Sliger reported that, in the dark, Mr. Schriber bore a resemblance to Mr. Clugh, citing height and Mr. Clugh’s BMV photo. (R20-1 at 5, 9). Mr. Clugh was listed as being a 30 year old white male who is 5’7” tall with brown hair while Mr. Schriber is listed as being a 31 year old white male who is 5’8” tall with brown hair. (R20-1 at 1-2). However, Deputy Sliger acknowledged uncertainty both because of the weather and because there was a gap in his ability to view the individual (or individuals) he had seen when the person disappeared behind an out-building in the yard. (R20-1 at 9). Given the circumstances, he proceeded as if the person was the suspect, Mr. Clugh. *Id.*³

Deputy Sliger notified the other officers that the suspect was running toward the front of the house. Sliger came around from the back, giving chase with Csupak. Deputies Dornon and Farrell, who had been at the front door, joined the pursuit.

³ The actual language used in Deputy Sliger’s report was “Due to the time of day, weather, distance, and decisions which I had to make within seconds I ultimately determined that the male running was in fact Tanner, and I determined for officer safety as well as the fact that Tanner is considered armed and dangerous that the safest possible way to take him into custody as he was actively fleeing from law enforcement was to apprehend him with K9 Csupak.” (R20-1 at p. 9). “Ultimately determined” should not be regarded as an assertion of positive identification. Rather, Deputy Sliger had to make a decision about the best course of action with limited information and in a short amount of time.

Sgt. Loop and Mr. Montgomery remained on the porch. (R20 at ¶¶50, 53-54; R20-1 at 5-7, 9-10). The front along Vinton Street was dark with only one street light at the corner of Vinton and N. 20th Street. (R20-1 at 10).

Deputy Farrell saw a white male jumping the fence. He (incorrectly) announced that the individual running was Austin and (correctly) announced that the individual was not Mr. Clugh. (R20 at ¶50-52; R20-1 at 6-7, 10). Of the officers, Deputy Farrell was in the lead and heard Deputies Dornon and Sliger telling him to stop so he could let the K9 pass. In the process of trying to make room, Deputy Farrell lost his balance and fell into the grass at which point Csupak latched on to his outer carrier. (R20 at ¶¶56-58; R20-1 at 7, 10). Deputy Sliger pulled Csupak off, re-released him, and continued after the suspect who was some distance ahead. *Id.*; R20-1 at 9. Csupak caught up to Mr. Schriber and apprehended him by latching onto his bicep and right upper arm, injuring Mr. Schriber. Medics were called to the scene and he received additional medical attention at the hospital. (R20 at ¶¶58, 60; R20-1 at 5, 10).

On September 2, 2025, the State of Indiana charged Mr. Schriber with intentionally fleeing from law enforcement in violation of Ind. Code 35-44.1-3-1 in the Superior Court 7 of Tippecanoe County under Cause 79D07-2509-CM-1681. In support of the charges, the State submitted an affidavit dated August 29, 2025, executed by Jeffrey Clark, an investigator with the Tippecanoe County Prosecutor. (R20 at ¶¶88-89; R20-1 at 18); *see* Tippecanoe County Superior Court 7 Cause 79D07-2509-CM-1681 (available via <https://public.courts.in.gov/mycase/>).

Clark's affidavit attached case reports and said of them, "[a]ffiant believes the information and statements provided by the officer are credible and reliable as such statements and information was/were based upon firsthand knowledge of the incidents recounted in such statements and detailed in the above-referenced police reports. Affiant believes Deputy Sliger is/are credible and reliable for the reason that he/she/they are law enforcement officers in Tippecanoe County, Indiana, and because his/her/their reports were made in the course of his/her/their investigations into the commission of crimes committed here in Tippecanoe County, State of Indiana." *Id.* The resisting arrest charges were dismissed by the State, *nolle prosequi*, on November 7, 2025. (R20 at ¶95; R20-1 at 26).

ARGUMENT

The Amended Complaint asserts state and federal claims against the Defendants, including unlawful search (Count I); excessive force (Count II); unlawful seizure and false arrest (Count III); unlawful pretrial seizure pursuant to legal process (Count IV); a *Monell* claim (Count V), state law battery (Count VI), and state law trespass (Count VII). These claims should be dismissed.

The officers were searching for a dangerous criminal at the time of the incident and had reason to believe he was at the Vinton Street address. When they made their presence known at the front door, Mr. Schriber hastened out the back door. When he encountered Deputy Sliger at the gate leading out of the backyard to the driveway, Deputy Sliger announced himself and ordered Mr. Schriber to stop. Instead of stopping, Mr. Schriber turned and fled. Given the circumstances, it was

reasonable to give chase with Deputy Sliger's K9 and apprehend Mr. Schriber. Following the arrest, it was reasonable for the State's investigator to execute an affidavit incorporating the police reports in support of the criminal charges. The officers and the State's investigator acted reasonably, lawfully, and within the bounds of the Constitution. Given the lack of an underlying Constitutional violation by a Sheriff's employee, the *Monell* claim should also be dismissed. Additionally, Mr. Schriber does not plausibly allege particular policies that support such a claim.

Standard of Review:

In considering a motion to dismiss, the Court should accept the Plaintiff's factual allegations as true while disregarding those allegations that are so sketchy or implausible that they fail to put a defendant on notice of the claim. A court should further disregard abstract recitations of the elements of a cause of action and conclusory legal statements. *Brooks v. Ross*, 578 F.3d 574, 581 (7th Cir. 2009). In this case, the factual allegations in the Amended Complaint are intermixed with argument and conclusory statements. The Court should credit the former and disregard the latter.

In *Ross*, the Seventh Circuit noted the guidance from the Supreme Court in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007), and explained that, to state a claim:

First, a plaintiff must provide notice to defendants of her claims. Second, courts must accept a plaintiff's factual allegations as true, but some factual allegations will be so sketchy or implausible that they fail to provide sufficient notice to defendants of the plaintiff's claim. Third, in considering

the plaintiff's factual allegations, courts should not accept as adequate abstract recitations of the elements of a cause of action or conclusory legal statements.

Ross, 578 F.3d at 581. Where the factual basis alleged in a complaint is just as consistent with lawful conduct as it is with wrongdoing, it fails to state a claim. *Id.* at 582. *See also, Taha v. International Brotherhood of Teamsters*, 947 F.3d 464, 469 (7th Cir. 2020). District Courts may take judicial notice of public court documents and proceedings when considering a Rule 12(b)(6) motion. *Fosnight v. Jones*, 41 F.4th 916, 921 (7th Cir. 2022).

Count I – Unconstitutional Search of the Curtilage (R20 at ¶¶98 – 102). Officers were at the front door, the driveway, and outside the fence near the sidewalk. A warrant was not required.

Mr. Schriber has sued Deputies Sliger, Loop, Farrell, and Dornon for an unconstitutional search. He suggests that the officers' activity around the "fenced rear curtilage" was an illegal search. (R20 at ¶¶100) Deputy Sliger is the only officer alleged to have been at the rear of the house. He is alleged to have looked over or through the fence in the rear of the house and the gate in that area by the driveway. The driveway is short, approximately 21 feet from the sidewalk to its other end along 20th Street. (Exhibit A).

The officers were either at the front door, on the driveway, or along the fence line. None of them were alleged to be inside the fence. Given the layout of the property, the officers' presence along the fence line, in the driveway, or at the front door cannot be said to have been "within the curtilage." The officers' acts of making observations from those locations do not constitute an illegal search.

Not all investigations on private property implicate the Fourth Amendment. While a warrant is generally required to search a home, officers may gather information in “open fields.” *Florida v. Jardines*, 569 U.S. 1, 6 (2013). “[T]he term ‘open fields’ may include any unoccupied or undeveloped area outside of the curtilage. An open field need be neither ‘open’ nor a ‘field’ as those terms are used in common speech.” *Oliver v. U.S.*, 466 U.S. 170, 180 fn. 11 (1987).

The “curtilage” is regarded as part of the home. The Supreme Court has offered guidelines for distinguishing the curtilage: the proximity of the area claimed to be curtilage to the home, whether the area is included within an enclosure surrounding the home, the nature of the uses to which the area is put, and the steps taken by the resident to protect the area from observation by people passing by. *U.S. v. Dunn*, 400 U.S. 294, 301 (1987). Law enforcement officers are generally allowed to approach a residence to contact its owner using the route that a normal visitor would take; and driveways, sidewalks, and walkways are generally not within the curtilage of the home. *Snider v. Pekny*, 899 F.Supp.2d 798, 809 (N.D. Ind. 2012).

The configuration of this incident is similar to that in the Eighth Circuit case of *United States v. McGhee*, 129 F.4th 1095 (8th Cir. 1095).

Some of the investigators walked up the paved path leading to the front door of McGhee's house and knocked. Meanwhile, another officer ... noticed a second door on the right side of the house; he stood in the front yard outside a chain-link fence separating the front and side yards and watched the side door “just for perimeter security to ensure nobody tried to sneak out or run or any of that matter.” Just below the side door were three steps, which led down to an elevated wooden deck that was a step off of ground level. The

fence gate had been left open and the side yard, deck, stairs, and side door were visible through and over the fence. While observing the side door, the officer noticed “several spots of blood spatter as well as an unknown white or brown powdery substance” on the deck.

Id. at 1098-1099. After seeing the blood spatter and the substances, the officer entered the fenced area of the house and discovered further evidence which led to the request for a search warrant. The defendant in that matter argued for suppression of evidence on the grounds that the initial view into the side yard was an unlawful search. The Eighth Circuit determined that it was not.

With respect to the front yard, the Eighth Circuit observed that the yard was not protected by a fence or any other enclosure and no efforts were made to shield the yard from public observation or entry. The yard contained a paved walkway. And, while the fenced side yard was curtilage, from outside the side yard the officer initially viewed blood, which suggested an exigent circumstance permitting their entry into the side yard. *Id.*

Here, the officers other than Deputy Sliger were in the front which contained the front door, no fence, and a walkway from the street to the door. Deputy Sliger is not alleged to have entered the fenced area of the backyard before encountering Mr. Schriber. He was in an area outside of the fenced yard, on or near the driveway, and not more than 20 feet from the sidewalk when he encountered Mr. Schriber who was attempting to exit the backyard via a gate.

This is not an illegal search or a violation of the Fourth Amendment. Count I should be dismissed.

Count II – Excessive Force (R20 at ¶¶103-109). Deputies Farrell and Dornon did not have a realistic opportunity to intervene. Deputy Sliger’s use of a K9 to apprehend the fleeing suspect was reasonable.

Mr. Schriber has sued Deputy Sliger for excessive force with respect to the use of a K9 to apprehend him and Deputies Farrell, Dornon, and Loop for failing to intervene

Deputies Farrell, Dornon, and Loop

Deputy Sliger was responsible for the deployment of his K9. The claim against Deputies Farrell, Dornon, and Loop is that they knew or should have known that excessive force was being used and that “to the extent they had a realistic opportunity to intervene or stop / call of the deployment, failed to do so.” (R20 at ¶109).

An officer has a duty to intervene to prevent the use of excessive force if the officer is informed of the facts that establish a constitutional violation and has the ability to prevent it. *Morfin v. City of East Chicago*, 349 F.3d 989, 1001 (7th Cir. 2003); *see also*, *Siers v. Davis*, 2018 WL 925253 at 3-4 (N.D. Ind. 2018) (granting qualified immunity to an officer who failed to intervene while another officer’s K9 was attacking plaintiff); *Pastore v. Dixon*, 2016 WL 7492479 at 7 (S.D. Ind. 2016) (same).

In *Siers*, the court found that it was not unreasonable for an officer to fail to intervene where the decision to release a K9 was made by another officer and the officer accused of failing to intervene had no knowledge of K9 commands and may

have exacerbated the situation or put himself in harm's way by shouting at the dog or attempting to pull the dog off the suspect. *Siers* at 4.

The allegations in the Amended Complaint do not support an inference that Deputies Farrell, Dornon, or Loop knew or should have known the degree of force which would be used or that such force was ongoing. The allegations do not support an inference that they had the K9 training or time that would have given them a realistic opportunity to intervene to prevent harm from occurring. Sgt. Loop was on the porch down the street from where the apprehension took place. Deputy Sliger and Csupak were out in front of Deputies Dornon and Farrell. Farrell had fallen and been the subject of the “friendly fire” bite. Dornon was notified of the K9 apprehension over her radio. There is no indication that Dornon or Farrell were present at the scene where Csupak bit Mr. Schriber until after the use of force was concluded. (See R20 at ¶¶55-58; R21 at 7, 9, 10)

These facts are insufficient to sustain a plausible “failure to intervene” claim.

Deputy Sliger

Deputy Sliger's use of a K9 to apprehend the fleeing suspect was not an excessive use of force. He was investigating a dangerous individual, suspected of auto theft, criminal confinement, strangulation, and domestic battery. He was confronted with a person of roughly the same height as the suspect who exited the rear of the house in response to police at the front and who immediately ran away

into the dark upon being told to stop. It was not unreasonable for Deputy Sliger to use his K9 to apprehend such an individual. Mr. Schriber suggests that Deputy Sliger heard Deputy Farrell when he said that the fleeing suspect was Austin Townsley and not Tyler Clugh. Even assuming, for the sake of argument, that Sliger heard the announcement, he was not required to regard Deputy Farrell as being correct. (As, indeed, he was not entirely.) Additionally, given that the officers were following up on information that Clugh was traveling with Townsley, it would not be unreasonable for officers to treat Townsley with the same level of caution as Clugh.

The reasonableness of force used to effect a seizure is judged from the perspective of a reasonable officer on the scene, considering (a) the severity of the crime at issue, (b) whether the suspect posed an immediate threat to the safety of others, and (c) whether the suspect was actively resisting arrest or attempting to evade arrest by flight. *Graham v. Connor*, 490 U.S. 386, 396 (1989); *see also Pam v. City of Evansville*, 154 F.4th 523, 532 (7th Cir. 2025) (an act based on mistaken perception or belief, if objectively reasonable does not violate Fourth Amendment); *Flynn v. Mills*, 361 F.Supp 2d 866, 876 (S.D. Ind. 2005) *citing Muhammed v. Chicago*, 316 F.3d 680, 683 (7th Cir. 2002) (determination of appropriate level of force is measured from the perspective of the reasonable officer on the scene rather than with 20/20 hindsight). In police dog cases, additional factors are relevant, such as whether the officer warned the subject that he would deploy the dog and the

degree of control the officer maintained over the dog. *Johnson v. Scott*, 576 F.3d 658, 660-661 (7th Cir. 2009).

Based on the available facts, it was reasonable for Deputy Sliger to conclude that the individual fleeing into the night was likely Mr. Clugh, suspected of being a dangerous felon. Clugh was suspected of serious violent crimes. (R20-1 at 4, 9-10). Officers had received information that Clugh and Townsley might be at the Vinton Street address. (R20-1 at 5, 7, 9). When rang the front door bell, the homeowner, Scott Montgomery answered the door and said that no one else was at home. (R20-1 at 7). At the same time as officers made their presence known in the front, an unknown individual exited the back. When confronted by an officer who announced himself, gave K9 warnings, and ordered the individual to stop, the individual began running in the other direction and down Vinton Street. (R20 at ¶¶19-21, 47-48; R20-1 at 5-7, 9-10).

The conditions were dark and rainy. Visibility was not good. The person who went out the back in response to police knocking on the front door was a white male of similar age and height to Mr. Clugh. (R20 at 17, 62; R20-1 at 1-3). (As was Mr. Townsley.)

As such, deploying a K9 to stop the individual's flight was reasonable. Deputy Sliger was not required to carry out the arrest in a way that gave the fleeing suspect an opportunity to get away. *Catlin v. City of Wheaton*, 574 F.3d 361, 365-366 (7th Cir. 2009). Deputy Farrell's announcement that the suspect was not Mr. Clugh but was, in fact, Mr. Townsley, did not render Deputy Sliger's pursuit of Mr.

Schriber unreasonable. In the first place, this announcement was not correct. Secondly, Mr. Townsley was suspected of aiding Clugh and there was concern about their access to firearms. (R20-1 at 4). A reasonable officer is not required to substitute another officer's judgment for their own during a quick and evolving situation such as this one. Plaintiff's suggestion that Deputy Sliger would have been aware of information provided by Mr. Montgomery on the front porch is implausible.

The Amended Complaint provides no information as to how far away Mr. Schriber was at the time Csupak was released, what he was doing at the time of the release, or whether any of this was visible to Sliger. Before a suspect's surrender is relevant to the consideration of appropriate force, the officer must be aware of the surrender and have time to react to it. *Johnson v. Scott*, 576 F.3d 658, 659-660 (7th Cir. 2009) (officer's use of a dog was reasonable despite suspect's last-second surrender). Where the factual basis alleged in a complaint is just as consistent with lawful conduct as it is with wrongdoing, it fails to state a claim. *Ross* at 582.

It was dark, Mr. Schriber had been running. One cannot infer from the facts alleged that Mr. Schriber had stopped, surrendered, or otherwise demonstrated that he was not a threat or flight risk long enough for Deputy Sliger to conclude that he was indeed subdued in a place close enough for Deputy Sliger to see that this had taken place and take action to stop Csupak.

Using a K9 to apprehend Mr. Clugh or even Mr. Townsley would have been reasonable. It was not unreasonable for Deputy Sliger to conclude, in the context of

the rapidly evolving situation triggered by Mr. Schriber's decision to flee, that the fleeing figure was likely Mr. Clugh. Given the circumstances, Mr. Schriber fails to state an excessive force claim against Deputy Sliger.

Count II should, therefore, be dismissed.

**Count III – Unlawful Seizure / False Arrest (R20 at ¶¶110-116).
Officers had reasonable suspicion to detain Mr. Schriber and then, when he fled, probable cause to arrest him.**

Mr. Schriber has sued Deputies Sliger, Farrell, Dornon, and Loop for unlawful seizure or false arrest, characterized as “unreasonable continued seizure, arrest, and detention without probable cause.” By Mr. Schriber's own account in his initial Complaint, he was fleeing from law enforcement after they had announced themselves and ordered him to stop. The allegations in the amended complaint omit this specific admission, but the police reports appended to his amended complaint make clear that Deputy Sliger identified himself and ordered Mr. Schriber to stop. Mr. Schriber does not deny running, he says only that he did not understand what Deputy Sliger was shouting. (R20 at 21, 47-48).

Once Mr. Schriber fled, officers had probable cause to believe that, at a minimum, Mr. Schriber was in violation of IC 35-44.1-3-1(a)(3) which provides “a person who knowingly or intentionally ... flees from a law enforcement officer after the officer has, by visible or audible means ... identified himself or herself and ordered the person to stop commits resisting law enforcement, a Class A misdemeanor[.]”

Prior to Mr. Schriber's flight, officers had reasonable suspicion to, at least, briefly detain Mr. Schriber to ascertain that he was not Tanner Clugh. The Sheriff's Deputies had been investigating Tanner Clugh for theft, criminal confinement, strangulation, and domestic battery. At a previous stop, the officers received information that Clugh might be at the Vinton Street address. In response to officers knocking on the front door, Mr. Schriber exited the back door and was headed for the backyard gate. While visibility was admittedly limited, he was similar in stature to Mr. Clugh, at the location where Sheriff's Deputies had reason to believe Mr. Clugh was located, and, from the perspective of a reasonable officer, attempting to slip out the back just as officers made their presence known in the front.

As Mr. Schriber approached the gate from the backyard, Deputy Sliger was in the driveway and announced "Sheriff's Office STOP and "Stop Police K9" (R20-1 at 5) (or, according to Mr. Schriber's initial complaint: "Sheriff's Office!" and "Stop!" or words to that effect. (*See* R1 at ¶25)). In response, Mr. Schriber did not merely fail to comply. He reacted by running away, either exiting the front gate or climbing over the front fence and running down the street as officers gave chase. Mr. Schriber was not attempting to continue going about his business. He was actively attempting to evade police.

Nervous, evasive behavior is a pertinent factor in determining reasonable suspicion. *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000). Ignoring the police and going about one's business cannot be the basis for reasonable suspicion but

“unprovoked flight is not a mere refusal to cooperate. Flight, by its very nature, is not ‘going about one’s business,’ in fact, it is just the opposite.” *Id.* at 125.

Confronted with these circumstances, it was reasonable for Deputy Sliger to direct Mr. Schriber to stop and, when he abruptly ran, the officers had probable cause to arrest him for violation of IC 35-44.1-3-1(a)(3).

The Amended Complaint fails to state a claim for unlawful seizure or false arrest against any of the defendants and Count III should, therefore, be dismissed.

Count IV – Unlawful pretrial detention (R20 at ¶¶117-126). Following his arrest, there was probable cause to detain Mr. Schriber pending trial.

Mr. Schriber has sued Defendants Clark, Sliger, Farrell, Dornon, and Loop, asserting what amounts to a claim of unlawful pretrial detention that he characterizes as “unreasonable seizure pursuant to legal process without probable cause” in violation of the Fourth Amendment. This claim must fail primarily for the same reason that the pre-detention unlawful seizure claims fail: there was probable cause to believe that Mr. Schriber violated Ind. Code 35-44.1-3-1(a)(3).

Probable cause is a common-sense inquiry requiring only a probability of criminal activity. It exists when an officer or court has enough information to warrant a prudent person to believe criminal conduct has occurred. *Young v. City of Chicago*, 987 F.3d 641, 644 (7th Cir. 2021) (internal citations omitted). In *Young*, the Court assumed for the sake of argument that all of the Plaintiff’s claims of police misconduct were true: police ignoring Plaintiff’s explanation that a gun belonged to someone else, ignoring that a person other than Plaintiff had handled

the gun in their site, and destroying a post-arrest statement of his explaining the situation in favorable terms. None of that gave rise to a Fourth Amendment wrongful detention claim because the officers found Plaintiff, a convicted felon, with a gun next to him in a car he was driving. That was a sufficient to establish probable cause for his arrest and detention even in the face of allegations that officers omitted or even fabricated other evidence.

IC 35-44.1-3-1(a) provides that: “A person who knowingly or intentionally ... (3) flees from a law enforcement officer after the officer has, by visible or audible means ... identified himself or herself and ordered the person to stop commits resisting law enforcement, a Class A misdemeanor[.]” The state court found the existence of probable cause for the charges against Mr. Schriber based on Mr. Clark’s affidavit which incorporated the police reports of Sliger, Loop, Dornon, and Farrell. The deficiencies Mr. Schriber alleges in the reports, primarily having to do with whether and when Deputy Sliger or the other officers should have appreciated that Schriber was not Clugh, do not undermine the central fact that Schriber ran from Deputy Sliger after Sliger identified himself and ordered him to stop.

Schriber was not detained or subjected to prosecution for domestic violence, strangulation, or the other acts of which Mr. Clugh was suspected. Mr. Schriber was arrested and subjected to pretrial detention for his own acts. Even if one takes Mr. Schriber at his word that he did not understand what Deputy Sliger was shouting when he ran away, there was still probable cause to believe that Mr. Schriber had committed the crime in question.

Count IV should be dismissed.

Count V – Monell Liability (R1 at ¶¶127 - 152) The Amended Complaint does not plausibly allege an underlying Constitutional violation by an employee of the Sheriff, let alone describe a policy, practice, or custom that caused the violation.

Mr. Schriber has sued Sheriff Goldsmith in his official capacity alleging that the constitutional violations he alleges in Counts I-IV were not isolated accidents but were, rather, caused by policies, practices, and customs at the Sheriff's Office. In the first place, the *Monell* claim should fail because Mr. Schriber has not plausibly alleged an underlying constitutional violation by an employee of the Sheriff. *Petty v. City of Chicago*, 754 F.3d 416, 424 (7th Cir. 2014).

The allegations further do not provide a plausible basis for concluding that such policies exist. Plaintiff has provided what seems to be an AI generated series of paragraphs that fail to describe policies that have any meaningful connection to Plaintiff's claims in this case. He cites *Martin v. Goldsmith*, a case where the Prosecutor made a series of *Giglio* disclosures, revealing that, prior to his resignation, a Sheriff's Deputy had been investigated by the Sheriff for excessive force and misreporting an incident. *Martin v. Goldsmith*, 163 F4th 1046, 1051 (7th Cir. 2025). In other words, the Sheriff was attempting to prevent wrongful uses of force and to ensure accurate reporting. In the lawsuit, the deputy has claimed that the timing of his resignation and *Giglio* disclosures effectively deprived him of employment without due process.

Schriber also cites *Ambers v. Tippecanoe County*, 2024 WL 4785185 (N.D. Ind. 2024) which involved a use of force by a Community Corrections officer and claims of misreporting by other community corrections officers. Community corrections is not under the supervision of the Sheriff. IC 11-12-2.

The allegations in Count V primarily relate to the reporting which took place after Mr. Schriber's arrest supporting the finding of probable cause for the charges filed against him. As discussed, *supra*, sufficient probable cause existed independently of further investigation or any mistakes in the reporting.

With respect to *Monell* liability for the remaining counts by Plaintiff (unlawful search, use of a K9 in the apprehension, probable cause for the initial detention and arrest), Plaintiff's complaints about the Sheriff's procedures are nothing more than boiler plate allegations. *See e.g.* ¶¶134-135 (TCSO maintains policy of permitting K9 apprehension force in mistaken-identity situations; TCSO failed to train and supervise K9 handlers to prevent mistaken-identity dog bites.) Boilerplate allegations of policies and practices unsupported by any facts other than those relating to the Plaintiff's specific encounter with the Sheriff's Office fail to state a *Monell* claim. *Nevinger v. Town of Goodland*, 2011 WL 2694662 at 4 (N.D. Ind. 2011); *Pam v. City of Michigan City, Ind.*, 2013 WL 1752494 at 3-4 (N.D. Ind. 2013); *Strauss v. City of Chicago*, 760 F.2d 765, 767 (7th Cir. 1985).

Count V fails to state a claim and should be dismissed.

Count VI – Battery (R20 at ¶¶ 153-156) Deputy Sliger is immune from state law battery claims under the Indiana Tort Claims Act and, additionally, the use of force was reasonable.

Mr. Schriber has sued Deputy Sliger for state law battery for his use of a K9 to apprehend him and the injuries caused by the dog's bites. Governmental entities and their employees are entitled to various immunities under Indiana's Tort Claim Act (IC 5-14-3) ("ITCA"). This Count, filed against Deputy Sliger, should be dismissed under IC 34-14-3-5 which immunizes individual employees against state law claims for harm allegedly caused by acts or omissions committed within the scope of their employment with a governmental entity.

Additionally, the use of force was reasonable and consistent with the requirements of IC 35-41-3-3(c) for the reasons set forth in response to Mr. Schriber's Constitutional claim of excessive force in Count II, *supra. Fabiszak v. Town of Cedar Lake, Indiana*, 2025 WL 2613445 at 15 (N.D. Ind. 2025). ("Indiana's excessive force standard effectively parallels the Federal Fourth Amendment standard.") To the extent Mr. Schriber is alleging that some standard of reasonableness for the use of force other than that required by IC 35-41-3-3(c), the Defendants would be entitled to immunity under IC 34-13-3-3(8) providing immunity for enforcement of the law. *See Wilson v. Isaacs*, 929 N.E.2d 200, 204 (Ind. 2010) (limiting the application of law enforcement immunity under Indiana Tort Claims Act where it conflicted with IC 35-41-3-3(c) concerning the reasonable use of force.)

Count VI fails to state a claim and should be dismissed.

Count VII – Trespass (R20 at ¶¶157-160) Deputies Sliger, Farrell, Dornon, and Loop are immune from state law trespass claims under the Indiana Tort Claims Act.

Mr. Schriber has sued Deputies Sliger, Farrell, Dornon, and Loop for trespass, alleging that they unlawfully occupied the enclosed curtilage. Deputies Sliger, Farrell, Dornon, and Loop are immune from this claim pursuant to IC 34-14-3-5 which immunizes individual employees for harm allegedly caused by acts or omissions committed within the scope of their employment with a governmental entity.

Defendants are further entitled to law enforcement immunity under IC 34-13-3-3(8). Immunity for “law enforcement” encompasses activities such as the arrest or pursuit of suspects by the police but also extends to those activities in which a government entity or its employees compel or attempt to compel the obedience of another to laws, rules, or regulations or sanction or attempt to sanction a violation thereof. *Sandifar v. Patterson*, 255 N.E.3d 1190, 1196 (Ind. Ct. App. 2025).

The defendants are also entitled to immunity under IC 34-13-3-3(13) (entry upon property that is expressly or impliedly authorized by law.) *See Snider v. Pekney*, 899 F.Supp. 2d at 818-819; *Hebert v. Reynolds*, 2009 WL 3010510 at 10 (N.D. Ind. 2009) (claim for trespass was a “non-starter” because “Indiana law shields a government employee from tort liability if the loss results from his law enforcement duties.”)

Furthermore, the claim does not plausibly allege trespass or any damages flowing from the trespass. All of the officers except for Deputy Sliger went to the

front door. Deputy Sliger was along the fence line near the driveway outside of the backyard. He encountered Mr. Schriber as Mr. Schriber was opening the gate to leave the backyard. The Amended Complaint does not articulate where Deputy Sliger was after Mr. Schriber closed the gate and fled out the opposite side of the yard, into the front yard, and down the street. (Deputy Dornon indicates that Deputy Sliger came from the east side of the residence as Mr. Schriber was fleeing to the west. R4-1 at 13). This is insufficient to state a claim for trespass.

Count VII fails to state a claim and should be dismissed.

Qualified Immunity

The individual defendants are entitled to qualified immunity as to any of the federal claims which survive on the merits. When analyzing a qualified immunity defense, courts consider whether the facts alleged demonstrate a constitutional violation and whether the constitutional right was clearly established. *Estate of Escobedo (II) v. Martin*, 702 F.3d 388, 404 (7th Cir. 2012). A constitutional right is clearly established when “it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted.” *Id.* (quoting *Saucier v. Katz*, 533 U.S. 194,202 (2001)). “For a constitutional right to be clearly established, its contours must be sufficiently clear that a reasonable official would understand that what he is doing violates that right.” *Escobedo I* at 779. The defense provides “ample room for mistaken judgments” and protects all but the “plainly incompetent and those who knowingly violate the law.” *Chelios v. Heavener*, 520 F.3d 678, 691 (7th Cir. 2008) (quoting *Hunter v. Bryant*, 502 U.S. 224, 227 (1991)).

For the reasons articulated above, Defendants are entitled to dismissal as a matter of law, even regarding Plaintiff's allegations as true. However, to the extent any of those claims survive, Defendants' actions fall within the scope of the "ample room for mistaken judgment," the rights violated (if any) were not clearly established, and the acts of Defendants were not those of the plainly incompetent or those who knowingly violate the law.

Conclusion

Plaintiff's Complaint fails to state a claim against the Defendants, and they request that Plaintiff's claims against them be dismissed and for all other appropriate relief.

Respectfully submitted,

HOFFMAN, LUHMAN & MASSON, PC

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Additionally, the document was served on the same date via U.S. mail, first-class postage prepaid, addressed to:

Tyler Schriber
1932 Vinton Street
Lafayette, IN 47904

/s/Douglas J. Masson

EXHIBIT A – GOOGLE MAP IMAGE OF 1932 VINTON STREET

